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10/052,067	01/18/2002	Ron Karim	P6993 US	1445

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GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER	
PATEL, ASHOKKUMAR B	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,067	KARIM, RON	
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) *6 and 16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-15 and 17-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 are presented for examination. Claims 6 and 16 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 11, 21, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection. However, Examiner would like to provide a response to the following argument presented by the applicant.

Applicant's argument:

"Thus, McTernan taught that each packet was sent to the client by the looping data sender and it was up to the client to determine when a complete transmission had occurred as described in paragraph E0044). McTernan teaches away from receiving the complete first continuous broadcast loop and then transmitting the data to the client data processing device as recited in each of Claims 1, 11, 21, 22, and 23. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 11, 21, 22, and 23."

Examiner's response:

In accordance with MPEP § 2141.02 (VI), "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 7-15 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McTernan et al. (hereinafter McTernan) (US 2001/0034788 A1) in view of Price (US 6, 766, 376 B2)

Referring to claim1,

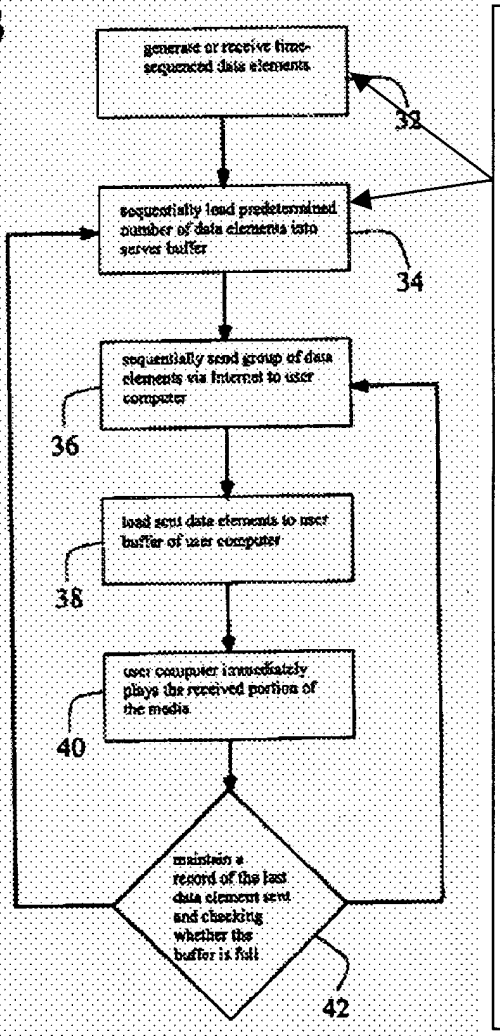
McTernan discloses a method in a data processing system for fulfilling data requests, the method comprising: receiving a data request from a client data processing device (Paragraph 0033*, receive requests from client connected to a network); determining whether the requested data is transmitted via a first continuous broadcast loop (Paragraph 0032., determine if server is multicasting the content', if so request translated to a subscription), wherein the first continuous broadcast loop includes one or more data points continuously transmitted in order from a start data point to an end data point (Paragraph 0037; packets transmitted in loop, retransmitting starting from first packet after final packet; retrieving the requested data, wherein if the requested data is transmitted via a first continuous broadcast loop, retrieving the requested data comprises opening a use connection to the first continuous broadcast loop; receiving a complete data transmission of the first continuous broadcast loop; closing the use connection to the first continuous broadcast loop (Paragraph 0038),. And transmitting

the requested data to the client data processing device (Paragraph 0039., packets stored in buffer; Paragraph 0044; packets reassembled and provided to client software application).

McTernan fails to teach transmitting the requested data to the client data processing device **following** the closing of use connection to the first continuous broadcast loop.

Price teaches in Fig. 3 and in col. 11, line 29-48, the following process:

Fig. 3



In another embodiment, shown in FIG. 3, the invention provides a method for distributing from a server via the Internet streaming media **composed of a plurality of time-sequenced data elements. Time-sequenced data elements are generated or received 32. Next, a predetermined number of the data elements is sequentially loaded 34 into a server buffer, which process of 32 and 34 continues indefinitely as long as there is media data available.** Next, a group of the data elements is sequentially sent 36 via the Internet from the server buffer to a user computer connected to the Internet. Upon receipt by the user computer, the sent group of data elements is loaded 38 into a user buffer associated with the user computer. The user computer immediately plays 40 the received portion of the media on the user computer. At 42, if the user buffer is not full, then additional data elements are sent to the user computer 36. And also at 42, if the user buffer is full, the system waits until new media data is delivered to the server buffer 34. This process is repeated until the entire media file is played at the user computer.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to apply the Price's server's capabilities to the McTernan's media server because although McTernan portrays to have found the solution for " a need for a system and method that improves downloading sequences and minimizes or eliminates unnecessary network communication.", (para. [0019], but it is just the aspect arising from expectations that as disclosed in para. [0018],"To support a richer media experience, as discussed above, clients may need to obtain multiple items of data at once. For example, a given rich multimedia presentation may consist of many different resources which the client needs to assemble, including transient and persistent data, and data receivable only through multicasting or only through unicasting in response to specific requests. In addition, clients may be able to assemble these resources in different sequences, but only if the downloading is optimized for this purpose. The need to make repeated requests to servers for the desired information creates heavy traffic and numerous interruptions which slow server operations and impose heavy bandwidth requirements. Price cures the deficiency of McTernan by shifting of what is expected of the client to the server.

Referring to claim 2,

McTernan discloses the method of claim 1, wherein the complete data transmission comprises data transmitted through the use connection between a first transmission of a first data point on the first continuous broadcast loop and a second transmission of the first data point, and the first data point may comprise a data point other than the start data point on the first continuous broadcast loop (Fig. 4, Paragraph 0051).

Referring to claim 3,

McTernan discloses the method of claim 2, wherein the first data point comprises a marker (Paragraph 0051: first data packet placed in an index).

Referring to claim 4,

McTernan discloses the method of claim 2, further comprising: storing the first data point; retrieving one or more data points from the continuous broadcast loop, wherein each data point received is compared to the stored first data point; and performing said closing the use connection when the received data point matches the stored first data point (Paragraph 0051).

Referring to claim5,

McTernan discloses the method of claim 4, further comprising arranging the retrieved data points in order from the start data point to the end data point (Paragraph 0051: concatenate the packets into duplicate of data on server).

Referring to claim 7,

McTernan discloses the method of claim 1, wherein the series of data points transmitted by the first continuous broadcast loop comprises a document that may be displayed by a browser program executing at the client data processing device (Paragraph 0035: media content may be text content, text documents are displayable on a browser).

Referring to claims 8 and 9,

McTernan discloses the method of claim 1, wherein a second continuous broadcast loop is accessed by clicking on a link displayed by a browser program (Paragraph 0037: plurality of content loops available; Paragraph 0033; requests received from clients via

HTTP), and the method of claim 8, wherein the first and second continuous broadcast loops transmit data using HTTP. (Paragraph 0033).

Referring to claim 10,

McTernan discloses the method of claim 1, wherein the data points comprise TCP data packets (Paragraph 0033: transfer of data according to TCP).

Referring to claim 11,

Claim 11 is a claim to a computer system that carries out the method of claim 1. Therefore, claim 11 is rejected for the reasons set forth for claim 1.

Referring to claim 12,

Claim 12 is a claim to a computer system that carries out the method of claim 2. Therefore, claim 12 is rejected for the reasons set forth for claim 2.

Referring to claim 13,

Claim 13 is a claim to a computer system that carries out the method of claim 3. Therefore, claim 13 is rejected for the reasons set forth for claim 3.

Referring to claim 14,

Claim 14is a claim to a computer system that carries out the method of claim 4. Therefore, claim 14 is rejected for the reasons set forth for claim 4.

Referring to claim 15,

Claim 15 is a claim to a computer system that carries out the method of claim 5. Therefore, claim 15 is rejected for the reasons set forth for claim 5.

Referring to claim 17,

Claim 17 is a claim to a computer system that carries out the method of claim 7. Therefore, claim 17 is rejected for the reasons set forth for claim 7.

Referring to claims 18 and 19,

Claim 18 and 19 are claims to a computer system that carries out the method of claims 8 and 9. Therefore, claims 18 and 19 are rejected for the reasons set forth for claims 8 and 9.

Referring to claim 20,

Claim 20 is a claim to a computer system that carries out the method of claim 10. Therefore, claim 20 is rejected for the reasons set forth for claim 10.

Referring to claim 21,

Claim 21 is a claim to a system that carries out the method of claim 1. Therefore, claim 21 is rejected for the reasons set forth for claim 1.

Referring to claim 22,

Claim 22 is a claim to a computer-readable medium containing instructions that cause a data processing system to perform the method of claim 1. Therefore, claim 22 is rejected for the reasons set forth for claim 1.

Referring to claim 23,

Claim 23 is a claim to a computer program product having thereon the method of claim 1. Therefore, claim 23 is rejected for the reasons set forth for claim 1.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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